

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MONICA K. TITLEY

724 St. John Street
Cottage Grove, Wisconsin 53527

Plaintiff,

Case No. _____

vs.

WIND CAPITAL GROUP LLC

Registered Agent for Service
Corporation Service Company
8040 Excelsior Drive, Suite 400
Madison, Wisconsin 53717

Defendant.

COMPLAINT

The Plaintiff, Monica K. Titley, by her attorneys, Hawks Quindel, S.C., and Nicholas E. Fairweather and David C. Zoeller, for her Complaint against the Defendant, Wind Capital Group, LLC, states as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331, in that Plaintiff's claim arises under the Fair Labor Standards Act, 29 U.S.C. § 201, et seq. ("FLSA").
2. Venue is proper in the Western District of Wisconsin under 28 U.S.C. § 1391 because Defendant operates a facility in this district and because a

substantial part of the events or omissions giving rise to the claim occurred in this district.

PARTIES

3. Plaintiff Monica Titley (“Titley”) is an adult resident of the state of Wisconsin, residing at 724 St. John Street, Cottage Grove, Wisconsin 53527. Titley was an employee of Defendant as defined by 29 U.S.C. § 203(e). Titley’s signed consent form is attached to her complaint as Exhibit A.

4. Defendant Wind Capital Group, LLC (“Wind Capital”) is a foreign limited liability corporation with its principal place of business in Saint Louis, Missouri. Wind Capital’s registered agent for service is Corporation Service Company, 8040 Excelsior Drive, Suite 400, Madison, Wisconsin 53717.

5. Wind Capital is an “employer” within the meaning of the FLSA, 29 U.S.C. § 203(d).

6. Wind Capital is an enterprise engaged in commerce within the meaning of 29 U.S.C. § 203(s)(1).

ALLEGATIONS

7. Titley was employed by Wind Capital as an administrative assistant, under various titles, between October 2007 and January 2010.

8. During Titley’s employment as an administrative assistant with Wind Capital, she was suffered and permitted to work more than forty (40) hours per week.

9. Titley was paid a salary during the majority of her employment with Wind Capital. During the periods where she was paid a salary, she was not paid overtime compensation for the hours she worked over forty (40) in a week.

FIRST CAUSE OF ACTION:
FAILURE TO PAY OVERTIME WAGES IN VIOLATION OF THE FLSA

10. Paragraphs 1-9 of this Complaint are re-alleged as though set forth here in full.

11. The FLSA, 29 U.S.C. § 207, requires each covered employer to compensate all non-exempt employees at a rate of one and one-half times the regular rate of pay for work performed in excess of forty (40) hours per workweek.

12. During her employment with Wind Capital, and within the applicable statute of limitations, Titley regularly worked in excess of forty (40) hours per week without overtime compensation.

13. At no time during her employment with Wind Capital and within the applicable statutory period was Titley exempt from overtime pay under any of the FLSA exemptions.

14. These practices violate the provisions of the FLSA, 29 U.S.C. § 201, et. seq., including, but not limited to, 29 U.S.C. § 207. As a result of these unlawful practices, Titley has suffered a wage loss.

15. Wind Capital knew or showed reckless disregard for the fact that they failed to pay Titley overtime compensation in violation of the FLSA.

WHEREFORE, Plaintiff Monica Titley demands judgment against Defendant Wind Capital awarding her:

A. The overtime wage compensation owed under 29 U.S.C. §§ 206 and 207 for the 3-year time period prior to the commencement of this action;

B. Liquidated damages in an amount equal to the amount awarded to her as overtime wage compensation, as provided in 29 U.S.C. § 216(b);

C. All attorney's fees incurred by Plaintiff in prosecuting this action, and the costs of this action, as provided in 29 U.S.C. § 216(b); and

D. Such other legal or equitable relief as this Court deems just and necessary to vindicate Plaintiff's rights under the Fair Labor Standards Act.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury.

Dated: March 25, 2010.

HAWKS QUINDEL, S.C.

By: /s/ David C. Zoeller

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